App F IX—4

Previous References

Rev 28-46 81
Com 36 51 10
Rev 24 48 109
Com 6 52 20

Later References

LR LC Co

(1954 55
Com

File No 4 54

Serial Nos 9 10 16, 17 18

P=68
E

MYSORE GOVERNMENT SECRETARIAT

Serial Nos 5

Part B for Oct 1955

SUBJECT

Appeal Petition of Sri Raja Lakshmanarayan Against acquisition

WD 0249—CPB—2 000—16 9 55

L 8563-66 12 10 55

The Commissioner for L&S or Bangalore Dist

for e e B

Confirming the acquisition

M G S APP F III—1]

MYSORE GOVERNMENT SECRETARIAT

(CY)

NOTES

C M 4-54-8
File No

FILE HEADING,

Appeal

FROM

Sri Raja Lakshminarayana Setty, S/o Raja Venkatachalapathi Setty
merchant 6 Tankasala Narayana Setty Lane Bangalore City

No Dated Received

Diary No 5405 Enclos — Spare copies — Serial No

BRIEF ABSTRACT OF LETTER

Requests to Cancel the acquisition domanded in G.O No L 603-RO/CM 6-52-20 dt 18-52 & to stay further action pending disposal of this appeal

NOTES AND ORDERS

Orders of the Minister for L.S.G. & P.H.
"L.S.G. Secretary, Call for the records and pending final decision a stay order may be issued"
(Sd) T.C.
2/11/54

A draft letter ~~is submitted~~ and draft endorsement are put up for approval
3) Done
8/11

3/11/54 Sec
5/11

To the Assistant Commissioner & Land Acquisition Officer
L 9785/CM 4 54-9 dt 12-11-54.
Calls for report — Pending Stay Petition

Endorsement L 9786 dt 12-11-54
Intimated

NOTES—First Sheet

5/11/54

WD—03.5 GPE—10 000—16 7-53

Land petition for Sri Raja Lakshminarayana Setty acquisition

le No S396/Rel 6584 of 195 acquisition

Mysore Govern
Secretariat

By
The Commissioner CCB
Letter no L1PR 8/87-82 dt 6/1286
L1PR 152/1485-

Forward a Report

4) The Report received from the Commissioner CCB is for perusal the grounds of appeal have been answered below with reference to the Report —

Grounds of appeal	Brief analysis of the Report
(a) There is no genuine necessity for the respondent for the petitioners land to the formed nala Conservancy as there are separate outlets.	This point has not been answered by the Commissioner the land in question has been recognised by the Municipality and Revenue Courts as the Property of the Petitioner hence the petitioners claim has sufficient grounds to Prevent the forc acquisition of the respondent has their outlets or if the Sewer line can be laid inturn his premises

P3

[App F II

Mysore Government Secretariat | 6584/Rev File No of 195

Serial No

(b) the formation of the proposed Conservancy Board is not necessary for purpose of Connecting the Priory and the drains since it is administratively possible for the Respondent to lay the pipes through her own house

Hon'ble
J Munsiff records

The Land Acquisition (Then Commissioner etc in N S H) has formed in his order that he has lost of Sympathy with this argument, but at this stage when certain things have happened we can do nothing

The above Venue is for Perusal the Petitioner has stated in his petition filed on Page 2 of the petition that the Respondent has agreed by an written agreement to the Munsiff Court that in the event of the Court having decreed against him the pipes in the land, in question would be removed and the land restored to its original condition the Respondent Claims through Law Court have stated the Petitioner is the absolute owner

File No 6584 of 19 Mysore G Secr

Serial No		
	The Respondent has failed to establish his right over the land by legal means He has sought help from the Corporation, to acquire the said land subject to meeting the Cost by the Respondent himself Even At this juncture the action of the Corporation to acquire the land at the Cost of the Respondent goes to show that Corporation is helping the Respondent more than all the Respondent is himself Het by the acquisition	(C) Sri Gopalakrishna Setty had given an express undertaking on 25 1961-62 on the file of the Mr Manager to remove the pipes running through the land in question & there is a decree passed from and he bound to comply with the said undertaking, as there is a decree therefore he cannot be and should not be aided by a body like Corporation to nullify the effect of the Court decree
	The petitioner Sri Raja Lakshmaraya Setty has established his right over the land on the Court & the Subordinate Judge and the High Court & thus acquired the Respondent while object is fulfilled in every way	The result of the acquisition would be to assist Sri Gopalakrishna Setty, Respondent, as against the Court orders of Subordinate Judge and High Court

WD 0,071—CFT—80 000—3 10 84

Mysore Government Secretariat | File No 6587 of 195

Serial No		
	(e) the result of acquisition of the land would be to convert it into a kind of public latrine and it would become a source of nuisance and danger to the petitioners family and renders the place unsanitary and unsafe	There will be no public purpose or public utility It is useful to the Respondent only If it is opened to the public it may become an unsanitary place It is a very narrow strip of land
	(f) the order dated 28-3-47 under Section 6-A (2) of the L A Act, refusing to withdraw the acquisition has become final and the same cannot be reopened	Government in their order No L 13193/ml 23-46-81 dated 28 3 47 have negatived the Proposal of the Bangalore City to acquire this land on the ground that the land in question would not serve any public purpose This View appears to ~~be Correct~~ hold good even to day

Flag "G"

Serial No		
g) As per the Report of the Land acquisition Officer, the acquisition is not necessary for any public purpose	No Land Acquisition Officer Symathises with the petitioner's Contents and also suggests that the land in question may be kept open	
h) The land is not required for any public purpose at all as no public purpose would be ~~furthered~~ served by forming the Conservancy Lane ~~except to Gopalkrishna Setty~~	The fact that Sri Gopalakrishna Setty is erecting his ~~under~~ Cost of acquisition employees that he has interest in the land and he will be benefited	
i) The Respondent has admitted in OS No 195 of 41-42 on the file of the Hon'ble Magistrate himself that ~~the land is required for Lay-out~~ it is possible for him also to lay Connecting pipes ~~as others in the neighbourhood have done~~ through his own house Hence acquisition is unnecessary	Hence As all have paid Connecting pipes through their own houses & the Respondent cannot have special privilege at the cost of his neighbours	

WD 070 4—CTI—80 000—5 10 4

Mysore Government Secretariat | 658 Fle No of 195

Serial No		
	j) The acquisition would virtually lead to deprive the petitioner of his property for the benefit of one person	It is a fact It has been explained already in Previous Paras
	k) To withdrawn from acquisition in the above reasons Reg F	The said acquisition has been sanctioned in GO No L 6037-60/RD 3219 dated 1-8-1952 along with the Property the possession of the land in question appears to have not yet been taken as seen from the Commissioner's report (last Para)
	l)	The land is in dispute from a long time Government in litigation vide No L 13193/RD 23-46-81 dated 20-3-47 have dropped the acquisition, Government have decided as it would not serve any possible purpose Government have agreed

Appeal petition for Raja Lakshminarayana Setty Gram Weyn...

File No 5396/6584/RL of 19 CR 4-84 | Mysore Govt Secretariat

Serial No

Sometimes the acquisition in these cases NL 6037 reg CR 6-52-79 dated 1-8-58 the Corporation has taken acquisition proceedings to end the dispute but by these acquisition, justice and equity are not achieved

Reg F

The Respondent Sri Gopal Krishna Setty having failed in Civil Suit has taken up the case through Municipal side to gain his end this is clear as he has agreed to meet the entire cost of acquisition It is stated by the petitioners that the Respondent has stated that he had agreed to lay the connecting pipes in his own house if that is so why he cannot do so is a valid point for consideration It appears that time is more all-while than necessity However as the appeal has come up, through the Court, they have to be heard thereafter the spot inspection may help to arrive arrive at a decision in this long disputed case A stay order has been issued in this case

Reg C of Mis records

Appeal from Sri Raja Lakshmanarayana Chetty against acquisition

Mysore Government Secretariat | 5396/6584 Tile No | of 195 | [App F III 2

Serial No

7) For orders with reference to Para 1 supra.

31/12 31/12

8 The parties has gone to the High Court thrice & every time Sri Laxmnarayana Chetty has been successful then Sri Gopalakrishnachetty has approached the Corpn to make the purpose of acqn, a private Purpose and bit of land in addition to the land belonging to Sri. Laxmnarayanachetty has been proposed to be acquired Two Munsters have inspected the Spot one Munster (Sri Rama Subbaraowa Chetty) Stated that acqn may be proceeded with Another Munster (Sri M D Rayan) ordered after Spot inspn that there is no public purpose involved & that therefore the acquisition Cannot be done As a Result of this, both the parties are armed with two Govt orders to defer their cases

9 Now the only points for consideration are these (1) whether acquisition is necessary (2) whether acquisition is for public purpose

10 The first point is one that has been decided ~~by the Corporation and by Govt~~ after Spot inspection by the Honourable Hon From the Records, it is seen that there is no need for formation of a Lane to run as

HC I
HC II
Hag A

Gopalakrishnarayana Setty - acquisition

File No 6587/mL 6903/mL of 19

Mysore Government Secretariat

Serial No

line, tho it helps on Gopalakrishna Setty. As the a lane is proposed to be formed the acqn of Properties may be necessary However this can be decided once for all after spot inspection by the Hon Minister

) The second point is whether acqn is for Public purpose As two properties are proposed acqn and as a lane will be formed and maintained by the Corpn, the acqn may be deemed to be for a Public purpose

15/1/55

Secy Dept) 12)

The parties may now be heard

25/1/55

Minister (SG) 13)

8/2/55

9/2/55

14) Reminded the Hindu fixing up the date "2 hearing fixed Before the Officer for the parties

P A 19) Hon to Minister

Dept

13320
22 JAN 05
GOVERNMENT OF MYSORE

OFFICE OF THE [illegible]
LTD 19,1
GOVERNMENT
No 5506

9 FEB 05
GOVT OF MYSORE

WD 07074—GPP—80,000—5-6-54

for Sri Rajalakshmanarayana Raju appears regd.

[App F III 2

ament t | 6587/ml File No 6903 of 195 CMH-54

Serial No

16) May be posted for hearing to Monday the 9th May 1955 at 1 Pm

B o

U Sankara Rao PA 29/4

Asst Secy (M)

2/5

FOR SELF

17) Draft + fair for Signature

2/5

18) Done

2/5

Notices

W L 1324-6 dt 2-5-55

Notices issued

19 Submitted for transmission to Sri P. A to Hon'ble Member for P&C

P A to Minister PH + L

2/5

21 May be posted for hearing to Monday the 30th May commencing from 1 Pm

B

U Sankara Rao PA

Asst Secy (Rel)

2/5

22) Draft + notice fair notice for Signature

20/5

23) Issue

2/5

W.P. 1801-3 dt 20-5-55

Notices issued

Appeal — In re Sri Rajalakshmamma & Rajalakshmamma & others acquisition of Sankasale Venkatappa & others land

File No 6908/RE of 19

Mysore Government Secretariat

Serial No

24) The file may kindly be referred with D.O. Note Number for P.A. to P.H.

25) P.A. to the Minister for P.H. & Hy

OFFICE OF THE PUBLIC [illegible] 60 20 No 6

26) May be posted to 4th July 1955 commencing from 1 P.m.

V. Shankaranarayana PA

27) Draft in fair is put up

28) Issued

Notices issued L 2958-60 dt 17.6.55

29) The file may kindly be referred to the P.A. to the Minister for P.H. & Hy

P.A. to the Minister for P.H. & Hy

30) Adjourned to 16-7-1955 at 8.30 A.M.

WD 0 014—CTB—80 000—5 10

Asst Secy

31) Submitted to Minister for P.H. & Hy. Issue notices to hold the sale as scheduled

Appeal from Sri Koja Lakshminarayana Setty against the acquittal in Tonkasale Narayana Setty [App F 41

Mysore Government Secretariat | 6903/ME File No of 195

Serial No

32) Draft I for pick up
Dr 7/7

33) Issue
Ms 7/7

Address covers
No L 3812-14 & 9755

34 Referred this P A to the Minister for P H & Leg
Dr 8/7
Ms 8/7

P A to the Minister for P H & Leg

35 The Case will not be taken up on 16 7 49 as the Corporation Counsel at Bezwada is unable to be present on that date owing to other engagements previously fixed The Case may be adjourned and parties intimated

V Shankaranarayana Rao
P A

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
RECEIVED
3 JUL 49
1681

Assistant)

37) Draft I for as pick up
Dr 15/7

38) Issue
Ms 15/7

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
RECEIVED
15 JUL 49
No 1955

39 The file may kindly be referred to the P A to the Minister for Leg & P H for fixing up the next date of hearing
Dr 15/7
Ms 16/7

P A to the Minister for P H & Leg

40) 27/7

Appeal from Sri Raja Lakshminarayana Setty against C
in Pankaballe Narayana Setty Lane

File No 6903/ml of 19 | Mys

Serial No

41) May be posted to 17-9 55 at 9 am

V. Shankara Bhat
PA 12/9/55

Asstt Secy (ML)

42) Draft four copies are put up for approval
12/9

43) Issued
12/9

2.

Sri Raja Lakshminarayana Setty -
Rep by Counsel Sri B. Basavalingappa
& Sri N. Gopal Krishna Setty & others
Rep by Counsel Sri K.P. Mudappa
& Sri K. Ramachandra -
The Corporation of the City -
of Bangalore

L 7065-67/55 12.9.55

Issue notices —

46) Notices have been issued to the parties. The file may now be referred to the PA to the Minister for orders
13/9

45) 13/9

PA to the Minister for P.H. & Labour
Mg 13/9

Received
13 SEP 1955
No 2669

07074—Gal—80 000—5 10 54

Appeal of Sri Raja Lakshminarayana Setty against acquisition of his vacant land in Tenkasale Narayana Setty Lane, Avenue Road, Bangalore

ient | File No 6903/M of 195 | [App F III 2 15

Serial No 46 — 17-9-1955 Case called Sris B Basavalingappa and S L Simha, for Sri Rajalakshminarayana Setty and Sri K J Muddappa for the counter petitioners were present and heard _ Sri Sanjeevayya Setty_son of Sri Raja Lakshmi-Narayana Setty and Sri M Narayana Setty, one of the counter petitioners were also present Sri D R Channarudraiah, Commissioner, Corporation of the City of Bangalore was present Orders reserved _ BS 17955

— — Order

47 — In Government Order No L 6037-40/C M 6-52-19 date 1st August 1952, sanction was accorded to the acquisiti of a strip of vacant land measuring 125 square feet in Municipal Nos 5/2 and 6 belonging to Sri Rajalakshmina-rayana Setty and another strip of vacant land measuring 180 square feet in Municipal Nos 19/22 belonging to Sri Lakkappa and certain other persons for opening a conser-vancy lane and mainly to provide for connecting the sewage of certain houses in that area _ It is seen fro the records that long before the acquisition was sancti ned Sri Gopalakrishna Setty had laid pipes in the vacan land belonging to the petitioner to connect the under-ground sewer The petitioner objects to the acquisitio of the vacant land in Municipal Nos 5/2 and 6 mainly on the ground that Sri Gopalakrishna Setty could lay his underground connection through his own house, as has be done by several others in that locality This objectio has been examined in the past Sri N

Serial No 2669

Commissioner, who has inspected the spot on 14th May 1952, is of the view that nothing can be done at this stage when certain things have happened, that the piece of land in question serves no useful purpose to Sri Rajalakshminarayana Setty and that it is desirable to acquire it and keep it open Two of my learned predecessors, Sri P Subbarama Setty, Minister for City Municipalities and Sri R Chennagiramaiah, Minister for Local Self-Government who have inspected the spot, have felt that acquisition of the vacant land is necessary and have approved of the proposal of the erstwhile City Municipal Council and the Corporation to acquire the same I agree with them It is also gathered from the records that after the award and surrender notice was served, Sri Rajalakshminarayana Setty filed an appeal petition before the Commissioner under Section 18, L A Act on 21st October 1954 requesting that the matter be referred to the Civil Court for adjudication as the amount of compensation awarded is inadequate The objections of the petitioner are not tenable The acquisition sanctioned in Government Order dated 1st August 1952 is confirmed The petition of Sri Rajalakshminarayana Setty is rejected and the stay order issued in November 1954 is vacated Action should be taken expeditiously to take possession of the acquired lands

23 -

48) 22 9 55 24 9 55

W D 0 0/1—GPI—80.000—6 10 4

6903/M √5243

Appeal petition of Sri Raja Lakshminarayana Setty (1)
against acquisition —

Submitted with a draft SO for approval
95 50) 7/10
28/5 Mrs 1/10 Secy (Law) 51) 7 X 57

51) Move

The Commr C & E Bldg Thro Mayor
& S C Bangalore Dist
& Controller, S A D
& Auditor C & E Bldg —

G.O. No L8563-66/CM 4-54-16 Dt 12/10/55

— confirming the acquisition and vacating
the stay order —

Petition from Sri N Narayana Setty No 77/N Setty
Lane, Avenue Road Cross Bldgs requesting for a
Copy of G.O.No L/8563-66/CM2-54-16 Dt 12/10/55 —
Lr Submitted — G.O.No L8563-66/CM2-54-16 dated 12/10/55
referred by the Secretary is flagged 'B'
Secretary
Regd/55

BEFORE THE GOVERNMENT OF MYSORE,

LOCAL SELF GOVERNMENT

---

loners

Narayana Setty

etitioners

shna Setty,
etty

Respondents

Commissioner of Corporation
of City of Bangalore
Bangalore

COPY APPLICATION

The undersigned prays for the grant of a certified copy of vernment Order No L 8563-66/6 M 2-54-16 dated 2& 12th October 55 on the above case Four sheets of private white paper i a court fee stamp of annas eight are produced

N Narayana Setty
Counter Petitioner

galore
ted 21st Octr 55

Address

Narayana Setty
7 T I Setty Lane
enue Road Cross
ngalore - 2

54) Putup refers

Lr 21/10

(Sd) V A D

Submitted - The connected references are prompt
G O nos L 8563-63/Cy 2-54-66 dated 12.10.55 is
flagged 'B' 56
for orders of. It is not known why he requires
L 22/x/55 the may further be requested to f
the power of attorney on behalf
of persons affected
Dy 21/x/ 57) Dsave

Petition from Sri N Narayana Setty for a copy of
G O No L 8563-66/CN 4-54-Bdms/2 10 11 55

Subs - The party has now paid the copying charges Hence
dft endorsement to the party is prompt for necessary

Submitted

59) The party may come & take
a copy of them he may be
informed to credit the amount
In the meanwhile, a copy will
be got typed

Mg 31/10

60)

61) Rec'd Rupee One, annas one
Sen only (Re 1-1-0) vide
No 7080 dt 8-11-55

8/11/55

Speltd
Addl Dlt tl B h
Gt S t t B

62) A copy of the G O as placed below
for kind perusal & return please
offered to the party

10/11 Mg 10/11

63) Received the Copy of the Government

N Narayana Setty
10 11 55

1) Draft endorsement is put up

Mg 23/11
Mg 24/11

63)

Endorsement

To Sri B Basavanappa BA LLB
" K P Nanjappa BA BL
L 11081 02/CN 4-54-18 dt 8 12 55

Copy with Counsel CES
L 11063 dt 8 12 55

5243 / 5618 / 6050 / 6886 / Mad

Appeal – Sri Raja Lakshmanarayana Reddy – Respdt

Petition dated 13-12-55 from Sri Rajalakshmanarayana Reddy, requesting for a copy of the order

64) The order whether a copy of the G.O dated 12-10-55 may be granted to the petitioner as he is one of the plaintiffs case

XXX

26/12 Mrs 27/..

65) Granted

2/13

TS
Please type
Mrs 28/12

66) The petitioner, Sri Raja-Lakshmi-narayana Reddy has applied to the record of the Case for the G.O and the copies of petitions or petitions or letters filed by Sri N Gopalakrishnama Reddy & Co

67) The copy of the G.O dated 12-10-55 is ready and he did not take the copy of the copy of the G.O, as copy of Counter petition have not been given

68) The order whether the copies of Petitions filed by Sri N Gopalakrishnama Reddy may be given (page 24-26 perused) and that petition or letter has been filed by this Petitioner except the petition flagged XX

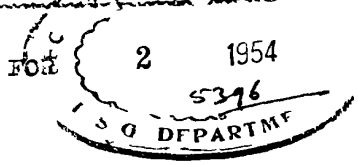
A-grant

2/1 Mrs 2/1

69) Copy granted Granted

16 Hide acknowledgement on the [illegible]

6/1/56



BEFORE THE GOVERNMENT OF MYSORE (MINISTER FOR LOCAL SELF GOVERNMENT)

PETITION NO of 1954-55.

PETITIONER -

Raja Laksnminarayana Setty, son of Raja Venatasubbiah Setty, Vysya, aged about 70 years, Inhabitant, residing at No 6, Tankasala Narayana Setty Lane, Bangalore City

---

UNDER SECTION 48 of THE LAND ACQUISITION ACT

the petitioner begs to file this petition

Re no L 13193/ML 23-46-81 & 28 3-47
and no L 6037-40 - C M 6-52-20 & 1-8-52

FACTS OF THE CASE

SG Secy all for the costs & pending final decision a stay order may be issued
2/11/54
2/11

The petitioner is the sole and absolute owner of the open land described in the schedule hereunder The said land is situate to the west of the petitioner's house and it is an adjunct thereto There are two houses adjoining this open land apart from the petitioner's house These two houses are (1) D No 7 Tankasala Narayana Setty's Street, formerly belonging to one N Gopalakrishna Setty which is to the west and (2) a house belonging to Munisw[illegible]appa and others which is to the north and abuts Kota Subbiah Setty lane The latterhouse has its own [illegible]sh out privy and other drains connected with the under-ground drainage mains running through Kota Subbiah Setty's lane referred to above The under ground drainage pipes and privy connection from Gopalakrishna

Setty's house were laid by him through the petitioner's land described in theschedule hereunder notwithstanding the petitioner's protests The petitioner then filed O S No 195 of 41-42 on the file of the First Munsiff of Bangalore, to restrain the said Gopalakrishna Setty got the temporary injunction withdrawn by giving to the Court an undertaking (a certified copy of which is filed herewith) that in the event of the suit being decreed against him the underground drainage pipes laid by him in the land in question would be removed and the land restored to its original condition and then laid the pipes in the schedule land The suit was dismissed by the Munsiff but an appeal in R A No 155 of 42-43 of the Court of the Additional Sub Judge of Bangalore a decree was passed in the petitioner's father directing the removal of the pipes laid by the said Gopala krishna Setty in the said land This decree was confirmed by the High Court of Mysore in S A No 216 of 43-44

The petitioner then applied in Ex No 822 of 43-44 on the file of the First Munsiff Bangalore, for the execution of the decree while the said execution case was pending, Gopadaarishna Setty in order to circumvent the decree against him applied to the Bangalore City Municipality praying for the acquisition of the said land and undertook to pay them cost of the acquisition He arranged to secure the support of some Municipal Councillors and got a resolution passed for the acquisition of theland described in the schedule hereunder for the alleged 'Public' purpose of forming a conservancy lane

Then the above mentioned Gopalakrishna Setty investigated his then undivided younger brother Lakshmiah Setty to file a suit against the petitioner in O S No 484 of 44-45 of the Court of the First Munsif, Bangalore, contending that the decree in the prior litigation against Gopalakrishna Setty was not binding on him The said suit was dismissed by the learned Munsiff and the dismissal was confirmed by the Court of the Additional Sub Ordinate Judge of Bangalore (Court of Small Causes) in R A No 86 of 46-47 This decision became final

A Notification was then published in the Mysore Gazette Dated 14-3-46 under Sec 4 and 5 of the Land Acquisition Act inviting objection to this acquisition from persons interested in the property In response to the said notification the petitioner filed his objection statement before the Special Land Acquisition Officer, Bangalore City Municipality The Special Land Acquisition Officer after hearing the petitioner reported that the acquisition was not necessary for a public purpose nor proper and the Government after hearing the petitioner passed an order dated 28-3 47 in accordance with that report refusing to sanction acquisition

After the aforesaid order of Government dated 28-3-47 refusing to sanction the acquisition Gopalakrishna Setty and his brother again sought the aid of some Municipal Councillors and got another resolution passed making a reference to the Government for the acquisition of the schedule land, on this reference the Government passed Order No L. 13933/LL. 24-48-109 dated 27-5-49 purporting to sanction the acquisition of the said land

and the alleged 'Government' for the purpose of forming Conservancy lane, a notice D 29-6-49 was thereafter issued to the petitioner's purporting to be under Ss 9 and 10 of the Land Acquisition Act Thereupon the petitioner filed a petition before the High Court of Mysore in C P No 99/49-50 praying that the respondent be directed to forbear from proceeding with the acquisition of the land in question In that petition a memo was filed on behalf of the respondent the Bangalore City Municipality that the acquisition could not be continued and the acquisition proceedings were then dropped

Thereafter a fresh notification was issued under Ss 4, 5 (a) and 6 of the Land Acquisition Act (during the previous ministry) and objection were invited to the acquisition of the land in question The petitioner filed a statement of his objection to the proposed acquisition Then the land Acquisition Officer and the Municipal Commissioner inspected the spot and after hearing the petitioner made an order or report thus -

I have inspected the spot and heard both the parties There is no doubt that the 'MONI' belongs to Raja Lakshminarayana Setty and that the decision of the courts is binding in this behalf. The only question is whether any public purpose would be served by acquiring it. The possibility of Gopalakrishna Setty having access to the underground sewer in front has been examined, and my view is that whatever may have been the practicability of such a step some time back, it is now

it is scarcely so naw when tne party will have to lay nis cornection irside his house Tne cortention of Sri Laksnminarayana Setty is tnat the party could well have laid his underground cornection tnrough his house at ar earliear stage when he (Lakshmiranayara Setty) took objectior I nave a lot of symnat y wit1 the argument, but at this stage, when certain thirgs have happered, we can do nothirg*

It is clear from the order or report that tnere is no express firdirg by the L A C tnat the acquisition is necessary for ary public purpose or tnat the formation of the proposed conservancy lare is required in public instrest, on the otner hand it is clear from the order that the acquisition is considered desirable orly for the sake of one man Gopalakrishnasetty one of the objections urged by the petitioner namely that since Gopalakrishna Setty has agreed to pay the amount required for tne acquisition it would be opposed to S 6 of the Land Acquisition Act to acquire tne property has not even been corsidered with said order ror have any of tne otner objectiors been met in the said order After tne said order, /the said Gopalakrishra Setty somehow managed to get an order dated 1-8-52 passed (the then Minister) sanctioning the acquisition of the property However even in the said order tnere is no finding that the acquisition is necessary for a public purpose. The City Municipal Corporation is now active by proceeding with the acquisition proceedirgs beirg urged by the said Gopalakrishra Setty so tnat he may ultimately succeed in courterin, the effect of the courts order and nullifying tne solemn undertaking

undertaking given by him The Municipal Corporation is making active prepration to take possessions of the schedule land The petitioner prays that for the following and among other grounds that the Government minister be pleased to withdraw from acquisition the property mentioned in the schedule hereunder -

a 1 There is no genuine necessity for the owner of the house on the northern side of the land for it its being formed into a conservancy lane in asmuch as they have already got seperate outlets in the lanes adjoining their houses for discharging the water from flush out privy and other drainage water into underground mains

b 2 The formation of the proposed conservancy, lane is not necessary ever for the purpose of connecting the privy and the drains in Gopalakrishna Setty's house since it is admittedly possible for him to lay the connecting pipes through his own house as other people in the street have done

c 3. Gopalakrishna Sett had given an express undertaking on O S 195/41-42 on the file of the First Munsiff of Bangalore to remove the underground pipes from his house running through the scnedule land in the event there being a decree against him (in fact there is) and he is bound to comply with the said undertaking he cannot be and should not be aided by public body like the corporation to nullify the effect of the decree

The result of the acquisition would be to assist Gopalakrishnasetty in defying the solemn

decree granted in favour of the petitioner by the Subjudge f Bangalore and confirmed by the High Court of Mysore thus rendering it infructuous o Public authority ought to assist or encourage him in so defying the decree and evading the undertaking given by him

5 The result of acquisition of the land and converting it into a conservancy lane as proposed would be to convert it into a kind of public latrine with consequence that it would become a source of constant nuisance and danger to the petitioner's family and to the neighbour hood thus rendering the locality extremely insanitary and unsafe, opening up a small lane measuring 2 3/4" x in that crowded part of the city (to suit the convenience of one individual) would make it an ideal hiding place for thieves, robbers etc , who are so much in evidence these days The lane would be more a source of danger and nuisance than a convenience

6 The order Dated 28-3-47 under S 5 A (2) of the Land Acquisition Act refusing to sanction the Acquisition has become in final and the same cannot be reopened

7 Even according to the report or order of the Land Acquisition Officer the acquisition is not necessary for any public purpose and in fact there is no necessity to acquire it for any real public purpose or in the public interest

8 The petitioner could not bring all these facts to the notice of the previous minister as his prayer for being heard before any orders were passed was rejected

9. The lard is not required for any public purpose at all as no public purpose w uld be furthered by formirg the corservancy lane which would if at all benefit orly one man viz , Gopalakrishna Setty ard would be a source of insufferable nuisance and danger to the petitioner and to the entire neighbourhood

10. The proposed lane is quite unnecessary in order to enable Gopalakrishna Setty to connect the drain and flush out privy in his house with the street mains since as admitted by him in the course of his deposition in O S No 195 of 41-42 on the file of the First Munsiff of Bangalore, owner of other houses in Tankasala Narayana Setty's lane have laid connecting pipes through their own houses and it is possible for him also to do likewise Gopalakrishna Setty claimed in the said suit to be entitled to use the lare ir question for the pur pose of laying the a pipe which was found against connecting pipes on the grcund that it was common property a plea which was fourd agairst him The petitioner submits that the acquisition thus unnecessary ever for his sake ard that in any case it could not be said to be necessary for a public purpose as it would conduce to the advantage of only ore persor

11. In the circumstances the acquisition would virtually be to deprive the petitioner of his property for the berefit of one persor.

12 The petitioner therefore most hurbly prays that the propcsed acquisition of the schedule lard be ordered to be withdrawr urder ...

9 The lard is not required for any public purpose at all as no public purpose w uld be furthered by formirg the corservancy lane which would if at all benefit orly one man viz., Gopalakrishna Setty and would be a source of insufferable nuisance and danger to the petitioner and to the entire neighbourhood

10 The proposed lane is quite unnecessary in order to enable Gopalakrishna Setty to connect the drain and flush out privy in his house with the street mains since as admitted by him in the course of his deposition in O S No 195 of 41-42 on the file of the First Mursiff of Bangalore, owner of other houses in Tarrasala Narayana Setty's lane have laid connecting pipes through their own houses and it is possible for him also to do likewise Gopalakrishna Setty claimed in the said suit to be entitled to use the lane in question for the purpose of laying the ~~a pipe which was found against~~ connecting pipes on the ground that it was common property a plea which was found against him The petitioner submits that the acquisition thus unnecessary ever for his sake and that in any case it could not be said to be necessary for a public purpose as it would conduce to the advantage of only one person

11. In the circumstances the acquisition would virtually be to deprive the petitioner of his property for the benefit of one person.

12 The petitioner therefore most humbly prays that the proposed acquisition of the schedule land be ordered to be withdrawn under ~~s~~ ಆರ್

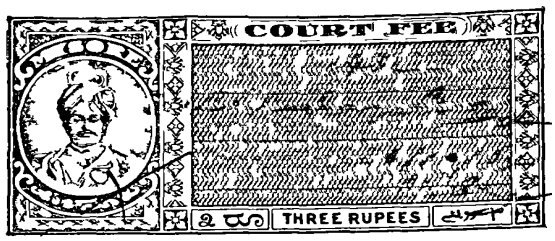
the powers urder Section 48 of the Lard Acquisition Act

S c h e d u l e

Vacart lard belonging to the petitioner Raja Lakshmirarayara Setty situated ir Tarkasale larayara Setty Iare, Bargalore City (betweer D lo. 75/2 ara 6 & 7) bounded on the East by the petitioner's buildirg on the "est by Gopalarrishra Setty brother's house on the lorth by the house of Lurisamappa ard others on the South by Tarkasala arayara Setty's lare measuring 2' 10" East Vest land 70' - 3" rorth to South

PETI"IC"ER.

Counsels for Petitioner,
Bargalore,
Dated, 2o[t]October, 1954



IN THE COURT OF The Government of Mysore (Minister for Local Self Government)

No of 19

~~Plaintiff / Appellant~~ / Petitioner ~~Decree Holder / Claimant~~ Complainant		*Defendant / Respondent Judgment Debtor Accused*
Raja Lakshmanarayana Sety	**Vs**	Govt

1 I We Petitioner above named do by these presents retain Messrs B Basavalingappa, B A, LL B Usha Building, Balepet, Bangalore City as Advocate

to appear and conduct the above case on my/our behalf to judgment

2 I/We further enpower him/them to appear plead file petitions enter into compromise and do all necessary acts in the above case to execute any decree or order that may be passed in my/our behalf to prefer an appeal from any order judgment and to receive from the Court all documents refunds and all sums of money that I/We may be entitled to get any grant receipts therefor and to effect compromise or settlement

3 I/We also undertake to confirm and ratify all the act done by any of the said Adocates or by any other Advocate or Pleader on his their behalf in so doing

4 I/We further agree that if I/We fail to pay the fees upon or to give due instructions at proper stages he/they are at liberty to retire from the case and recover all dues to him/them

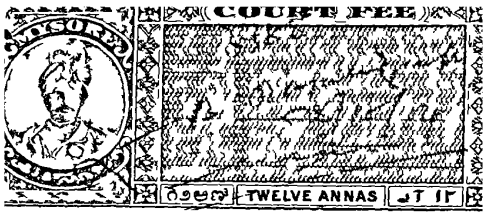
Bangalore
20-10-1954

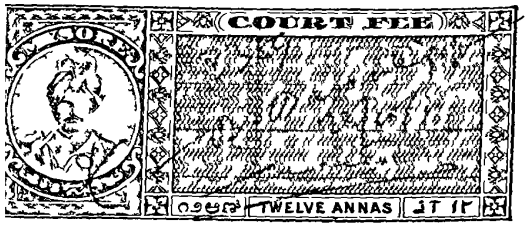
Personally known to me and signed in my presence
I am satisfied with the identity of the signatory to this power

Accepted

B Basavalingappa
Advocates for Petitioner

Forms can be had from — The Legal Practitioners Co operative Society Ltd Bangalore





THE HONOURABLE MINISTER FOR
SELF GOVERNMENT, GOVT OF MYSORE,
BANGALORE.

Petition No of 1954/55

PETITIONER Raja Lakshminarayana Setty,
s/o Sri Rajavenkatasubbiah,
No 6, Tankasala Narayanasetty Lane
Avenue Road Cross, Bangalore-2

Vs

RESPONDANT Government
(Commissioner, Corporation of
Bangalore)

Re - No L 13193/M L 23-46-81
dated 28-3-1947 and No
L 6037-40-6 M 6-52-20
dated 1-8-1952, regarding
the acquisition of a portion
of Door No 5/2 and 6 in the
Tankasala Narayana Setty Lane,
Second Division, Bangalore 2

=========

PRAYER FOR STAY ORDER

The Petitioner begs to state as follows

That the Government have in their order in No L 13193/M L 23-46-81 dated 28-3-1947 dropped the acquisition of the portion of Door No 5/2 and 6 in Tankasala Narayana Setty Lane, Second Division, Bangalore City and they have intimated the same to the Corporation of Bangalore stating there is no need to sanction the

acquisition of the said property

That some of the persons headed by one Sri Gopalakrishna Setty who had borne illwill and spite against the Petitioner moved the Corporation authorities again to acquire the said portions of the house and the Corporation seem to have recommended the same to the Government for acquisition of the said portion of the house and the Government in their order have sanctioned the acquisition of the said portion of the property on 1-8-1952 in their order No L 6037-40-C M 6-52-20 The Municipal authorities are taking steps to dispossess the petitioner

That the proposed acquisition is meant to ~~xxxx~~ open a lane of 2'-10" width in between the houses of the Petitioner and the brother of the said Gopalakrishnasetty There are no houses other than these two houses in the said locality for the purpose of using the said lane There is a main road running in front of the said two houses stated above and there is no necessity of so small a lane for the purpose of public use The Petitioner ~~xx~~ brings to the kind notice of the Government that the acquisition proceedings have been taken up by ill-will and spite against the Petitioner and if the acquisition is taken up and proceeded with, the petitioner will be

be put to irrepairable loss and damage In fact, it is the lung space for the petitioner

The said Gopalakrishna Setty ~~xxxxxxx~~ who had been defeated in the Civil Courts has resorted to this method of moving the Corporation authorities to acquire the said portion of the house for him

It is therefore necessary that in the interest of justice and equity that an Ad-interim Order of Stay should be issued

Wherefore the Petitioner most humbly prays that this Honourable Court be pleased to issue an Ad-interim Order of Stay pending decision in the above case

Adv for Pr

Petitioner

BANGALORE-2,
20 10 1954.

I dept L 9785/Es.-pol
2-11-52

re Communications cab
M... 1. th... Rajo

Sir
Cb Appeal petition dated
20-10-52 from Sri Raja
Lakshmin... rao Esq, B City
theft Cb Counsel Sri S Ramalingappa
Advocate against the acquittal
remanded in C.C no L 6037-40/
52 by 6-52-20 or 1-8-52

I am directed to
forward herewith the above
petition (in original to be returned)
for a report mentioning all the
points raised therein

Pending final orders
in this behalf, further proceedings
may kindly be stayed

The Connected records
of your office and the above petition may
also be forwarded together with the Report
Yours faithfully

L 9786

12-11-54 JC on 4-54

Endorsement

L 9785/CM 4 54-10 (Municipal Branch)
12 11 54

The

L S G & Planning Departments

The Commissioner,
Corporation of the City of Bangalore
(thro' the Mayor)

Subject Appeal petition dated 20-10-1954 from Sri Raja Lakshmanarajana Setty, Bangalore City through his Counsel Sri B Basavalingappa, Advocate, against the acquisition sanctioned in Government Order No L 6037-40/CM 6-52-20/ 1-8-52

- - -

I am directed to forward herewith the above petition (in iginal to be returned) for a report meeting all the points ised therein

Pending final orders in this behalf, further proceedings y kindly be stayed

The connected records of your office and the above petition y also be forwarded together with the report very early

Yours faithfully,

(V Hanumanthappa)
for Secretary to Government,
L S G & Planning Departments

GOVERNMENT OF MYSORE

9786 L44-54-10

Mysore Government
Secretariat
(Municipal Branch)
Dated Bangalore 12-11-1954

ENDORSEMENT

Sri Raja Lakshminarayana Setty
thro' his counsel
Sri B Basavalingappa, B A , LL I
Advocate, Usha Buildings,
Balepet, Bangalore -2

Subject Appeal petition dated 20-10-1954 against the acquisition sanctioned in Government Order No L 6037-40/MM 6-52-20 dated 1-8-52

- - -

With reference to the above the petitioner is hereby informed that the matter is receiving attentic Pending final orders further proceedings have also been stayed

(V Hanumarthappa)
Asst Secretary to Government,
L S G & Planning Departments

knr-2/10 11

CORPORATION OF THE CITY OF BANGALORE

No L 1-P R 8/51-52
L 1-P R 152/54-55
Encls 2 files (1 scheme file)
(1 case file)

Corporation Offices, Bangalore
Dated 4th December, 1954

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,

To

The Secretary to the Govt , of Mysore,
L S.G & Planning Departments,
Bangalore

SIR

Subject -Appeal petition dated 20th October, 1954 from Sri Raja Lakshminarayana Setty, Bangalore City through his Counsel Sri B Basavalingappa, Advocate, against the acquisition sanctioned in Government Order No L 6037-40/C M 6-52-20 dated 1-8-1952

With reference to your letter No L 9785/C M 4-54-9 dated 12-11-1954 calling for a report on the above subject, I write to forward herewith a detailed note which explains the full history of the case for favour of perusal In the circumstances stated in the enclosed note, the appeal petition may kindly be rejected to enable to close this long pending case

The entire records and the objection petition of the party accompany

*Forwarded with compliments,

Yours faithfully,

(SEETHARAM, H S)
MAYOR

(K HENJERAPPA)
COMMISSIONER

SVR/2

CORPORATION OF THE CITY OF BANGALORE

No L 1-P R 8/51-52

OFFICE OF THE COMMISSIONER
CORPORATION OF BANGALORE
Bangalore, Dated 4th December, 1954.

N O T E

SUBJECT - Acquisition of portions of door Nos 5/2, 6 and 19/22 in Tankasale Narayanasetty Lane II Division (old No), Bangalore City, for opening a conservancy lane

---

Appeal petition dated 20-10-1954 from Sri Raja Lakshminarayana Setty before Government against the acquisition sanctioned in G O No L 6037-40/C M 6-52-20 dated 1-8-1952

- - -

The Municipal Council at their meeting held on 31-7-1945 sanctioned the above acquisition subject to the condition that the cost of acquisition of portions of door Nos 5/2 and 6 Tankasale Narayanasetty Lane, should be borne by one Sri N Gopalakrishna Setty, owner of neighbouring property No 7, as he volunteerly came forward to contribute the same accordingly he deposited the cost of acquisition in the Municipal Treasury Then Preliminary Notifications were got published and notices issued to the parties On the report of the Special Land Acquisition Officer, the Municipal Council on 6-7-46 resolved to contribute a sum of Rs 5/- towards th cost of acquisition out of municipal funds as required under Secti 6(1) of the Land Acquisition Act, Final declaration statements we sent to Government for sanctioning the acquisition In the meanwh the owner of property No 5/2 and 6 Sri Raja Lakshmirarayana Setty made an appeal to Government for dropping the acquisition proposal On this appeal, the spot was inspected by the then Hon'ble Ministe for Education and Public Health on 23-1-1947 and the Government issued an endorsement to the party Sri Raja Lakshminarayana Setty stating that necessary instructions were issued with a Memo to the Municipal Commissioner to cancel the acquisition proceedings

On the reference received from Government, the erstwhile Cit Municipal Council on 24-5-48 further resolved to ~~xxxxxxx~~ acquire the properties in question ~~to the party~~ against the endorsement

p t o

endorsement issued by Government. Accordingly, the Government again addressed for sanctioning the acquisition In response, t Government in their order No L 13933/M1 24-48-109 dated 27-5-49 sanctioned the acquisition, finally as the opening of the conser vancy lane was found necessary Then notice was issued to the p for filing his statement In response, he filed certain objecti and stated that the Government order dated 27-5-49 was not in or since he received an endorsement from Government regarding dropp of the acquisition In the meanwhile, the party filed a civil peition in the High Court of Mysore against the Government Order dated 27-5-49 The High Court dismissed the civil petition and ordered to start fresh acquisition proceedings under Sections 4, and 6 of Land acquisition Act

Again fresh notificiations were forwarded to Government fo publication Then the Minister for L S G Department inspected spot on 8-1-1951 and felt that the acquisition in question was q necessary The Government in their letter No L 12742 dated 16-3 conveyed the approval for the acquisition of the above propertie more land lands out of door No 19/22, Maramma Temple Street, for and also suggested to acquire some continuing further the conse vancy lane in question After series of correspondence, the Gove ment in their Order No L 6037-40/C L 6-52-19 dated 1-8-52 final sanctioned the acquisition over-ruling the objections put forth the party Sri Raja Lakshminarayana Setty (petitioner) Again th party file a suit against the Corporation in the High Court to decide the question of validity of acquisition of the scheme, bu the party himself withdrew the case as he was doubtful about his success

Then notices under Section 9 and 10 Land Acquisition Act issued to the respective owners of the above properties and their statements recorded and the enquiries in both the cases L A C 7 8 of 1952-53 were completed and the cases were ready to pass awa In the meantime, Sri B Venkataswamy, the Councillor of 10th Div moved a proposition on 6-5-1954 before the Corporation for dropp of the acquisition proceedings on the property of the petitioner

after spot inspection on 21-6-1954 and ~~xxx~~ carefully examined the question, the Corporation at their meeting held on 9th July, 1954, finally resolved that the land acquisition proceedings instituted under Government preliminary notification No 9277/C M 36-51-10 dated 26-11-1951 be proceeded with a copy of the said resolution herein enclosed for favour of reference Throughout this case, th erstwhile City Municipal Council and the Corporation inspected the spot for number of times and decided to acquire the land in questi for opening a conservancy lane The ex-minister for L S G Depart ments also inspected the spot and approved this proposal

Then in accordance with the latest resolution of the Corpo tion the acquisition was proceeded with and the award was passed on 21-8-1954 for Rs 483/- and award and surrender notice was issue and served on the petitioner on 7-9-1954 by post with a request t handover possession of the acquired land to the Corporation Engin immediately But the part evaded to hand over possession of the acquired land but he presented an appeal petition, (perhaps this the third appeal) before Government for dropping of the acquisiti on his property In respect of the neighbouring property No 19/2 Maramma Temple Street attached to Tankasala Narayanasetty Lane, proposed for acquisition for the same purpose, award has also bee passed and the said acquired land has already been taken possessi by the Corporation Engineer on 25-11-1954

The question of acquiring the petitioner's land is pendi for the last 9 years and the acquisition proceedings was already completed after the award and surrender notice was served the petitioner also filed an appeal petition before this office under Section 18, Land acquisition act, on 21-10-1954 with a request to refer the matter to the Civil Court for adjudication as the amou of compensation awarded is inadequate As such the present appe of the petitioner before Government protesting against the sancti of Government for acquiring his portion of property does not seem be tenable at this stage Having acquired a piece of vacant land measuring only 14 square yards, the petitioner is not in any way

way the loser and his remaining property is not affected

As seen from the enclosed appeal petition, the only main conte tion of the petitioner in this case is that the proposed acquisitior for the sake of one individual Sri N Gopalakrishna Setty who has ag to pay the cost of acquisition and not for the public purpose etc doubt the said Sri Gopala Krishna Setty would be mainly benefitted b the new conservancy lane and the other neighbours could also make us of the same lateron Since the said party had volunteerly came forward with a petition stating that he would contribute the cost of acquisition in the present case, the offer was accepted by the erstwhile City Municipal Council and the Municipal Council also resolved to pay a small portion of the amount towards the cost of acquisitior charges in this case to validate the acquisition under Section 6, L Act Nevertheless, it would be obligatory on the part of the Corporatic to provide any reasonable amenity when demanded by a rate-payer at t cost of Municipal funds In the present case had not Sri N Gopala Krishna Setty came forward to contribute the cost of acquisition, th entire cost would have been met out of Corporation funds Moreover, the new conservancy lane to be opened will be maintained by the Corp ration and not by the private party Therefore, the objection of th present petitioner Sri Raja Lakshminarayana Setty on the acquisitior of his land is not tenable

The only further action to be taken in this case is to demand possession of the acquired land from the petitioner If he fails to ndover the same, a reference will have to be made to the City Magi rate, Bangalore, under Section 47, Land Acquisition Act to enfo rrender

Yours faithfully 4/12
(K HENJERAPPA)
COMMISSIONER &
LAND ACQUISITION OFFICER,
CORPORATION OF THE CITY OF BANGALO

SVR/3

RESOLUTION PASSED AT THE ORDINARY GENERAL MEETING OF THE COR
OF THE CITY OF BANGALORE HELD ON THE 9TH JULY, 1954

P2

Proposition of Sri B Venkataswamy, Corporation Councillor, that
Corporation do recommend to the Government that the land acquisition
proceedings instituted under Government Notification No 9277/C - 36
dated 26th November, 1951, be dropped as it is unncessary and will
serve any public purpose (Spot inspected by the Corporation on 21-6

Sri V Deenadayalu Naidu moved the following resolution -

"Resolved that the Land acquisition Proceedings instituted under
Government Notification No 9277/C - 36-51-10 dated 26th November 19
proceeded with "

Sri L Jayaseelan seconded the resolution and it was passed

Sd/- H S SHIVARAM,
MAYOR

" C O P Y "

SVR/2

FOR COMMISSIONER

5042

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Petition Ref No L 9765/C L 4-54-9,
Dated 12th November 54

PETITIONER — Ra alakshmi Narayana Setty

Vs

RESPONDENT — The Corporation of the City of Bangalore

APPLICANTS

1 N Gopalakrishna Setty
2 N Narayana Setty

1 and 2 are residing at No 6/7 of T N Setty Lane B City

3 T Narayanaswamy
4 Lakkappa,

3 and 4 are residing at No 19, Maramma Temple Street B City

5 Gur-umurthy
No 23 ~~Kotasubbiah Hunyapet Setty~~ Lane, Avenue Road, B City

Sub - Acquisition of piece of land between premises Nos 5/2 & 6 7 & 10 in Tankasale Narayanasetty Lane Avenue Road Cross Bangalore

The applicants above-named beg to state as follows -

1) The applicants understand that the petitioner has filed an application against the City Corporation of Bangalore, for quashing the acquisition proceedings regarding the formation of a lane and drainage in Tankasale Narayana Setty Lane, Avenue Road Cross, and he has also obtained an stay order preventing the further execution of the acquisition proceedings. The benign Government was also pleased to call for the records from the respondent-corporation

2) The applicants submit that the petitioner has deliberately not made them as parties, though they are all interested in the acquisition in so far as the acquisition is primarily meant for their benefit and for the benefit of the public in the locality The applicants therefore submit that proper notice may be given to them and they may be heard before dis he case

3) The applicants submit that the entire acquisition proceedings has been approved by the Government on several occasions and t-he City Corporation has after passing awards has also taken possession of tne land, which forms part of the scheme approved by the Corporation The matter has been inspected by about 15 batches of Councillors and three Hon'ble Minis-ters have visited the spot and have approved the acquisitions as it was found to be beneficial to the public The matter was being agitated for the last 9 years and the petitioner had also filed writs in the High Court in civil petit-ions Nos 99/49-50 and 93/52-53 and the same were dismissed Both the Government and the City Corporation have found the acquisition is for a public purpose and accordingly Gazette Notifications were issued which are final and the same cannot be agitated before the Government What is more the Govern-ment cannot also interfere in the matter under Section 48 of the Land Acquisition Act, as the acquired land is also taken possession of on 26-11-1954 Hence this application

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(contd page 3)

4) It is also clear that the formation of the lane is useful to the entire locality and the applicants and the petitioner are interested in the drainage Due to the advent of the flush-out system in this City, the present acquisition is made necessary The petitioner is only motivated by ill-will and malice and is deliberately obstructing the acquisition though it is not at all disadvantageous to him In fact it is also useful to the petitioner as his drainage is also running underground therein The vacant space is also left for the last 100 years or so for the purpose of the passage of waste sewage water Doors and windows are also existing in this lane on both sides of all the aforesaid premises for their benefit of light and air Hence it is clear that the applicants will be greatly prejudiced if the acquisition is dropped

Wherefore the applicants pray that the benign Government may be pleased to dismiss the above petition filed by the petitioner and vacate the stay order passed in the interests of justice and fair-play

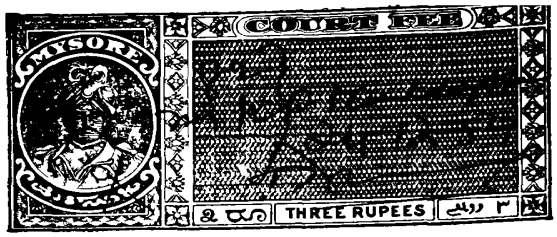
N Gopala Krishna Setty
N Narayana Setty
T Narayanaswamy

ADVOCATE FOR APPLICANTS

APPLICANTS

We, the applicants above-named do hereby declare that what is stated above is true to the best of our knowledge, information and belief

Bangalore City,
Dated 20-12-54



In ~~the Court of~~ Before the Government of Mysore, Bangalore

No of 195

Petn Ref No 9785/CM 4-52-9

Plaintiff/Appellant/Petitioner S ~~Decree~~ Holder/Claimant/ Complainant Appleants		Defendant/Respondent Judgment Debtor/ Accused
1 N Gopalakrishna Setty 2 N Narayana Setty 3 T Narayanaswamy 4 Lakkappa 5 Gurumurthy (Appleants)	Vs	

1 ~~I~~/We Petitioners above named do by these present retain

Sri K P MUDDAPPA
Sri K RAMACHANDRIAH,
ADVOCATES
~~Sri B G ANNAIAH,~~
687 Chickpet Bangalore City

to appear and conduct the above case on ~~my~~/our behalf to judgment

2 ~~I~~/We further empower him/ them to appear pl ad file petitions enter into compromise and do all necessary acts in the apove case to execute any decree or order that may be passed in ~~my~~/our behalf to prefer an appeal from any order judgment and to receive from the Court all document , refunds and all sums of money that ~~I~~/We may be entitled to get and grant receipts therefor and to effect compromise or settlement

3 ~~I~~/We also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on ~~his~~/their behalf in so doing

4 ~~I~~/We further agree that if ~~I~~/We fail to pay the fees agreed upon or to give due instructions at proper stages ~~he~~/ they are at liberty to retire from the case and recover all dues due to ~~him~~/them

Bangalore City
14 12 1954

n lly kn wn t m nd g d in my pr

Accepted
N Narayana Setty
N Gopala Krishna Setty
Advocates for
Appleants

/ERNMENT OF MYSORE

Mysore Government Secretariat

Bangalore dated 2-5-1955

NOTIC
NOTIFICATION

Sri aja Laksh inarayana Setty,
No 6 ankamale arayanasetty Lane.
Bangalore City
ro' the counsel
ri Basavalingappa, B A , L
Advocate, 'Usha' Buildings,
alepet, Bangalore-2
-riyuths
opalakrishna etty,
Narayana etty,
Narayanaswamy
Lakkappa
Murumurthy

ro' their Counsels
Sri P uddappa, A , LL B ,
ri Ramachandraiah, B c , B L ,
Advocates, No 607, Chickpet, Bangalore City

The Commissioner,
Corporation of the City of Bangalore,
(thro' the Mayor)

Subject Appeal petition dated 20-10-1954 from Sri Raja Lakshminarayana Setty, on of Sri Raja Venkata-subbiah setty, against the acquisition of portions of Door No 5/2, and Ward 19/22 in ankamale Narayanasetty lane, Avenue oad Cross, angalore, Sanctioned in Government Order No L 6037-43/ 6-52-20 dated 1-8-52

The above appeal is posted for hearing on Monday the 9th y 1955 at 1 P . You are required to appear before the Court of the Minister for ublic ealth and local elf-Government on the said date

(V Hanumanthappa)
Asst Secretary to Government,
Education & L . D partments

knr-6/2 5

Copy to Personal Assistant to the Minister for Public Health ard L S G

Draft

V29

GOVERNMENT OF MYSORE

No L 1801-3

Mysore Government Secretariat

Bangalore dated 20-5-1955

NOTICE
NOTIFICATION

To

1 Sri Raja L Keshavanarayana Setty
No 5, Tankasale Venkatasetty Lane,
Bangalore City
thro' the counsel
Sri T Basavalingappa, B A, B L,
Advocate, High Court Buildings,
Bangalore-2

2 Sriyuths
N Gopalakrishna Setty,
L Srinivasa Setty
M Ramaswamy
L Ekambara
Gurumurthy
thro' their counsels
Sri K Balaiah, B A, B L, and
K Ramachandraiah, B Sc, B L
Advocates, No 687 Cricket, Bangalore City

The Commissioner,
Corporation of the City of Bangalore,
(thro' the Mayor

Subject Appeal petition dated 20-10-1954 from Sri Raja L Keshavanarayana Setty, son of Sri Raja Venkatasubbiah Setty, against the acquisition of portion of Door No 5/2 and 6 and 19/22 in Tankasale Lane, Setty Lane, Avenue and Cross, Bangalore section in Governor's Order No L 6037-40/LA 6-54-20 dated 1-8-1952

The above appeal is posted for hearing on Monday the 30th May at 1 P.M. You are required to appear before the Court of the Joint for Public Health and Local Self-Government on the said date

(V Hanumanthappa)
Asst Secretary to Government,
Education & P W D Departments

knr-6/20-5 Copy to Personal Assistant to the Minister for Public Health and Local Self-Government

P30

GOVERNMENT OF MYSORE

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
20 MAY
No.

No L 1801-3

Mysore Government Secretariat

Bangalore dated 2

NOTICE

NOTIFICATION

To

1 Sri Raja Lakshminarayana Setty
No 6, Tankasala Narayanasetty Lane,
Bangalore City
thro' the counsel
Sri B Basavalingappa, B A , LL B
Advocate, 'Usha' Buildings,
Balepet, Bangalore-2

2 Sriyuts
T Gopalakrishna Setty,
L Narayana Setty
T Narayanaswamy
Lakkappa
Gurumurthy
thro' their counsels
Sri K P Muddappa, B A , LL B , and
K Ramachandraiah, B Sc , B L
Advocates, No 687 Crickpet, Bangalore City

The Commissioner,
Corporation of the City of Bangalore,
(thro' the Mayor

Subject Appeal petition dated 20-10-1954 from Sri Raja Lakshminarayana Setty, son of Sri Raja Venkatasubbiah Setty, against the acquisition of portion of Door No 5/2 and 6 and 19/22 in Tankasala Setty lane, Avenue Road Cross, Bangalore sanctioned in Government Order No L.6037-40/Cn 6-52-20 dated 1-8-1952

The above appeal is posted for hearing on Monday the 30th May 195 at 1 P M You are required to appear before the Court of the Minister for Public Health and Local Self-Government on the said date

(V Hanumanthappa)
Asst Secretary to Government,
Education & L S G Departments

krr-6/20-5

Copy to Personal Assistant to the Minister for Public Health and Local Self-Government

P31 P31

GOVERNMENT OF MYSORE

2958-60

Mysore Government Secretariat

Bangalore dated 17 6 1955-

N O T I C E

~~NOTIFICATION~~

To

1 Sri Raja Lakshminarayana Setty
No 6 Tankasale Narayanasetty Lane, Bangalore City
thro' the counsel
Sri B Basavalingappa, B A , LL B ,
Advocate, 'Usha' Buildings,
Balepet, Bangalore-2

2 Sriyuts
N Gopalakrishna Setty,
N Narayana setty,
T Narayanaswamy
Lakkappa
Gurumurthy
thro' their counsels
Sri K P Muddappa, B A , LL B , and
" K Ramachandriah, B Sc , B L ,
Advocates, No 687, Chickpet, Bangalore City

3 The Commissioner,
Corporation of the City of Bangalore
thro' the Mayor

Subject Appeal petition dated 20-10-1954 from Sri Raja Lakshminarayana Setty, son of Sri Raja Venkatasubbiah Setty, against the acquisition of portions of Door No 5/2 and 6 and 19/22 in T nkasale Narayanasetty lane, Avenue Road Cross, Bangalore, sanctioned in Govt Order No L 6037-40/CM 6-52-20 dated 1-8-1952

- -

The above appeal is posted for hearing on Monday the 4th July 1955 at 1 P M You are required to appear before the Court of the Minister for Public Health and Local Self-Government on the said date

(V Hanumanthappa)
Asst Secretary to Government,
Education & L S G Departments

knr-6/16 6

GOVERNMENT OF MYSORE

P37-

3812-14

Mysore Government Secret

Bangalore dated 7-7-

N O T I C E

NOTIFICATION

To

1 Sri Raja Lakshminarayana Setty
No 6 Tenkasala Narayanasetty Lane, Bangalore City
thro' the counsel
Sri Basavalingappa, B A , LL B
Advocate, 'Usha' Buildings,
Balepet, Bangalore-2

2 Sriyuts
N Gopalkrishnasetty
N Narayanasetty
T Narayanaswamy
Lakkappa
Gurumurthy
thro' their counsels
Sri K P Buddappa, B A , LL B , and
Sri P Vamsee Krishnaiah, B Sc , B L ,
Advocates, No 687 Chickpet, Bangalore City

3 The Commissioner,
Corporation of the City of Bangalore,
thro' the Mayor

Subject Appeal petition dated 20-10-52 from Sri Raja Lakshminarayana Setty, son of Sri Raja Venkatasubbiah Setty, against the acquisitions of Door No 5/2 and 6 and 12/22 in Tenkasala Narayanasetty Lane, Avenue Road Cross, Bangalore sanctioned in Govt Order No L 6037-40 Ga 5-52-20 dated 1-8-1952

The above appeal is adjourned for hearing on Saturday the 16th July 1955 at 2-30 P M You are required to appear before the Court of the Minister for Public Health and Local Self-Government on the said date

(M A Meccai) 7/7
for Secretary to Government,
Education & Local Bodies Departments

Draft

Copy to P A Min for P H & L-S G

GOVERNMENT OF MYSORE

1/27

7065-67.

Mysore Government Secretariat

Bangalore dated 12-9-1955

~~NOTIFICATION~~

NOTICE

To

1 Sri Raja Lakshminarayana Setty
No 6 Tankasale Narayanasetty Lane, Bangalore City
thro' the counsel
Sri B Basavalingappa, B A , LL B ,
Advocate, 'Usha' Buildings,
Balepet, Bangalore-2

2 Sriyuts
N Gopalkrishna Setty
M Narayana setty
Lakkappa T Narayana Swamy
Gurumurthy
thro' their counsels
Sri K P Muddappa, B A , LL B , and
Sri K Ramachandraiah, B Sc , B L ,
Advocates, No 687 Chickpet, Bangalore City

3. The Commissioner,
Corporation of the City of Bangalore
thro' the Mayor

-:-

Subject Appeal petition dated 20-10-1954 from Sri Raja Lakshminarayana Setty, son of Sri Raja Venkata Subbiah Setty, against the acquisition of Door No 5/2 and 6 and 19/22 in Tankasale Narayanasetty Lane, Avenue Road Cross, Bangalore sanctioned in Govt Order No L 6037-40/CM 5-52-20 dated 1-8-1952

- -

The above case is posted for hearing on Saturday the 17th September

You are required to appear before the court of the Minister for Public Health and Local Self-Government on the said date, failing which the cas would be decided exparte

Yours faithfully,

12/9

for Secretary to Government,
Education & L S G Departments.

Draft

knr -6/12 9

PROCEEDINGS OF THE GOVERNMENT OF MYSORE
-O-

Read -

Government Order No L 6037-40/C 6-52-19 dated 1-8-1952, sanctioning the acquisition of portions of properties bearing Door Nos 5/2 and 6 and 19/22 in Tankasala Lane and Setty Lane, II Dn Bangalore City, required for opening a conservancy lane

2) Appeal petition dated 20-10-54, from Sri Raja Lakshminarayana Setty s/o Sri Raja Venkatasubbiah Setty, Merchant, residing at No 6, Tankasala Narayana Setty Lane Bangalore City through his Counsels Sriyuths B Basavalin appa and S L Sinha requesting that the proposed acquisition of vacant land belonging to the petitioner situated in Tankasala Narayana Setty Lane, Bangalore City, be ordered to be withdrawn under Section 48 of the L A Act

3) Letter No L 9785/C A 4-54-9 dated 12-11-54 from the Secretary to Government L S G & Planning Departments to the Commissioner, Corporation of the City of Bangalore, calling for a report and issuing a stay order pending final orders in this behalf

4) Letter No L 1 P R 8/51-52 / L 1 P R 152/54-55 dated 6-12-54, from the Commissioner, Corporation of the City of Bangalore on the subject

8563-66/ex54-55 dt 12-10-5

5 On 17-9-55 the case was called Sri B Basavalin appeared Sri S L Sinha for Sri Raja Lakshminarayana Setty and Sri P Puttappa for the counter-petitioners were present and heard Sri Sanjeevayya Setty son of Sri Raja Lakshminarayana Setty and Sri H Narayana Setty, one of the counter-petitioners were also present The Commissioner of the City of Bangalore was present

35

was present

~~Orders etc.~~

In Government Order No L 6037-40/C M 6-52-19 dated 1-8-52, read above sanction was accorded to the acquisition of a strip of vacant land measuring 125 sq ft in Municipal Nos 5/2 and 6 belonging to Sri Rao Lakshminarayana Setty and another strip of vacant land measuring 180 sq ft in Municipal No 19/22 belonging to Sri Lakshappa and certain other persons for opening a conservancy lane and mainly to provide for connecting the sewage of certain houses in that area It is seen from the records that long before the acquisition was sanctioned Sri Gopalakrishna Setty had laid pipes in the vacant land belonging to the petitioner to connect the underground sewer The petitioner objects to the acquisition of the vacant land in Municipal Nos 5/2 and 6 mainly on the ground that Sri Gopalakrishna Setty could lay his underground connection through his own house, as has been done by several others in that locality This objection has been examined in the past Sri N S Hiranmayya, the then Commissioner, who has inspected the spot on 14th May 1952, was of the view that nothing can be done at this stage when certain things have happened, that the piece of land in question serves no useful purpose, Sri Raja Lakshminarayana Setty and that it was desirable to acquire it and keep it open Previous ~~Unnamed~~ Honourable Ministers Sri P Subbarama Setty, ~~Minister~~ for City Municipalities and Sri R Chennigaraya Minister for L & G, who ~~have inspected the spot,~~ have agreed that the acquisition of the vacant land is necessary and have approved of the proposal of the ~~ex~~-st-while City Municipal Council and

36

and the Corporation to acquire the same ~~Govern-~~ In Sait
~~are even now of the same mind and it ment agree with them~~ is also gathered from the records that after the award and surrender notice was served Sri Raja Lakshminarayana Setty filed an appeal petition before the Commissioner under Section 18 of L A Act on 21-10-1954, requesting that the matter be referred to the Civil Court for adjudication as the amount of compensation awarded is inadequate The objections of the Petitioner are not tenable The acquisition hereby sanctioned in G O dated 1-8-52 is confirmed The petitionxx of Sri Raja Lakshminarayana Setty is rejected and the stay order issued in November 1954, ~~is~~ vacated

Action should be taken expeditiously to take possession of the acquired lands

Secretary to Government,
Education & LSG Departments

TO

The Commissioner of the Corporation of ~~xxx~~ City of Bangalore, thro' the Mayor with records
The Deputy Commissioner Bangalore District
The Controller, State Accounts Department
The Auditor, Corporation of the City of Bangalore
spare copies 3

HGI /aft/1 10

37

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

-O-

READ:-

Government Order No L 6037-40/C M 6-52-19 dated 1-8-1952, sanctioning the acquisition of portions of properties bearing Door Nos 5/2 and 6 and 19/22 in Tankasala Narayana Setty Lane, II Divi Bangalore City, required for opening a conservancy lane

2) Appeal petition dated 20-10-1954, from Sri Raja Lakshminar Setty s/o Sri Raja Venkatasubbiah Setty, Merchant, residing at No Tankasala Narayana Setty lane, Bangalore City, through his Counsel Sriyuths B Basavalingappa and S L Sinha requesting that the propos acquisition of vacant land belonging to the petitioner situated in Tankasala Narayana Setty Lane, Bangalore City, be ordered to be withdrawn under Section 48 of the Land Acquisition Act

3) Letter No L 9785/C M 4-54-9 dated 12-11-1954, from the Secretary to Government, Local Self-Government & Planning Departme to the Commissioner, Corporation of the City of Bangalore, calling for a report and issuing a stay order pending final orders in this behalf

4) Letter No L 1 P R 8/51-52 / L 1 P R 152/54-55 dated 6-12-54, from the Commissioner, Corporation of the City of Bangalore on the subject

***

ORDER NO L. 8563-66/KA-54-16

DATED, BANGALORE, THE 12 OCTOBER 1955

On 17-9-1955, the case was called Sri B Basavalingappa and Sri S L Sinha for Sri Raja Lakshminarayana Setty and Sri K P Mudda for the counter-petitioners were present and heard Sri Sanjeevayy Setty son of Sri Raja Lakshminarayana Setty and Sri M Narayana Set one of the counter-petitioners were also present The Commissione of the Corporation of the City of Bangalore was present

In Government Order No L 6037-40/C M 6-52-19 dated 1-8-1952, read above, sanction was accorded to the acquisition of a strip of vacant land measuring 125 square feet in Municipal Nos 5/2 and 6 belonging to Sri Raja Lakshminarayana Setty and another strip of vacant land measuring 180 square feet, in Municipal No 19/22 belo ing to Sri Lakkappa and certain other persons for opening a conservancy lane and to provide for connecting the sewage of certain houses in that area It is seen from the records that long before the acquisition was sanctioned Sri Gopalakrishna Setty had laid

ct the underground sewer The petitioner objects to the
sition of the vacant land in Municipal Nos # 5/2 and 6
y on the ground that Sri Gopalakrishna Setty could lay
nderground connection through his own house, as has been
by several others in that locality. This objection has
been examined in the past Sri H S Hiranmayya, the then
Commissioner, who has inspected the spot on 14th May 1952, was
of the view that nothing can be done at this stage when certain
things had happened, that the piece of land in question served
no useful purpose to Sri Raja Lakshminarayana Setty and that
it was desirable to acquire it and keep it open Previously,
Government had considered the question in all its detail and
agreed that the acquisition of the vacant land is necessary and
approved the proposal of the erst-while City Municipal Council
and the Corporation to acquire the same Government are even
now of the same view and it is also gathered from the records
that after the award and surrender notice was served, Sri Raja
Lakshminarayana Setty filed an appeal petition before the Com-
missioner under Section 18 of Land Acquisition Act on 21-10-19
requesting that the matter be referred to the Civil Court for
adjudication as the amount of compensation awarded is inadequat
The objections of the Petitioner are not tenable The acquisi
sanctioned in G O dated 1-8-1952 is hereby confirmed The
petition of Sri Raja Lakshminarya a Setty is rejected and the
stay order issued in November 1954, vacated

Action should be taken expeditiously to take possession of
the acquired lands

(V. Hanumanthappa)
Joint Secretary to Government,
Education & L S G Department.

TO

The Commissioner of the Corporation of City of Bangalore,
thro' the Mayor, with records
The Deputy Commissioner, Bangalore District
The Controller, State Accounts Department, Bangalore.
The Auditor Corporation of the City of Bangalore.

Government Order No L 6037-40/C.[illegible]
sanctioning the acquisition of portions [illegible]
Nos 5/2 and 6 and 19/22 in Tankasala Har
Bangalore City, required for opening a c

2) Appeal petition dated 20-10-1954
Setty s/o Sri Raja Venkatasubbiah Setty
Tankasala Narayana Setty Lane, Bangalor
Sriyuths B Basavalingappa and S L Sinha re
acquisition of vacant land belonging to the p
Tankasala Narayana Setty Lane, Bangalore City, b
withdrawn under Section 48 of the Land Acquisitio Act

3) Letter No L 9785/C [illegible] 4-54-9 dated 12-11-1954, from the Secretary to Governme t, Local Self-Government & Planning Department to the Commissioner, Corporat on of the City of Bangalore, calli for a report and issuing a stay order pending final orders in th behalf.

4) Letter No $\frac{\text{I I P R 8/51-52}}{\text{L I P R 152/54-55}}$ dated 6-12-54, from the Commissioner, Corporation of the City of Bangalore on the subject

***

ORDER L 8563-66/CMA-54-16

DATED, BANGALORE, THE 12 OCTOBER 1955

On 17-9-1955, the case was called Sri B Basavalingappa a Sri S Sinha for Sri Raja Lakshminarayana Setty and Sri P [illegible] Mud for the counter-petitioners were present and heard. Sri Sanjeeva Setty son of Sri Raja Lakshminarayana Setty and Sri N Narayana S one of the counter-petitioners were also present The Commissio of the Corporation of the City of Bangalore was present

In Governme t Order No.L 6037-40/C [illegible] 6-52-19 dated 1-8-195 read above, sanction was accorded to the acquisition of a strip vacant land measuring 125 square feet in Municipal Nos 5/2 and 6 belonging to Sri Raja Lakshminarayana Setty and another vacant land measuring 180 square feet, in Municipal No [illegible] ing to Sri Lakkappa and certain other persons for openin servancy lane and to provide for connecting the sewers o houses in that area. It is seen from the records t the acquisition was sanctioned on

connect the underground sewer The petitioner objects to the acquisition of the vacant land in Municipal Nos # 5/2 and 6 mainly on the ground that Sri Gopalakrishna Setty could lay his underground connection through his own house, as has been done by several others in that locality This objection has been examined in the past Sri A S Hirannayya, the then Commissioner, who has inspected the spot on 14th May 1952, was of the view that nothing can be done at this stage when certain things had happened, that the piece of land in question served no useful purpose to Sri Raja Lakshminarayana Setty and that it was desirable to acquire it and keep it open. Previously, Government had considered the question in all its detail and agreed that the acquisition of the vacant land is necessary and approved the proposal of the erst-while City Municipal Council and the Corporation to acquire the same Government are even now of the same view and it is also gathered from the records that after the award and surrender notice was served, Sri Raja Lakshminarayana Setty filed an appeal petition before the Commissioner under Section 18 of Land Acquisition Act on 21-10-1954 requesting that the matter be referred to the Civil Court for adjudication as the amount of compensation awarded is inadequate The objections of the Petitioner are not tenable The acquisiti sanctioned in G O dated 1-8-1952 is hereby confirmed The petition of Sri Raja Lakshminarayana Setty is rejected and the stay order issued in November 1954, vacated

Action should be taken expeditiously to take possession of the acquired lands

(V Hanumanthappa)
for Secretary to Government,
Education & L S G Departments

TO

The Commissioner of the Corporation of City of Bangalore, thro' the Mayor, with records
The Deputy Commissioner, Bangalore District
The Controller, State Accounts Department, Bangalore

07 3-11-55

WD

Sri N Narayana Setty
No 7 T N Setty Lane
Avenue Road Cross
Bangalore 2

Endorsement

With reference to his pro
posal dt 10 s requesting for a c
of Govt no L 85-63-66/CM 2-54-16 31 2/10
he is hereby informed to pay
Rs as per copying charges

5/11

for Dy Secy to Govt Revenue Dept

(C 5618) Bangalore

41

The Secretary to the Government of
Education & L S G Department
Bangalore

CR 4-55-12

Sir,

I request you kindly to return
the documents filed by the petitioner
in Raja Laxmanarayana Setty's Case
Go no L 85-63-66/C M 4 S-4 16 dt 12-

Yours faithfully
Advocate
Adv for petitioner

Petty Officer
8/11/12

Subject: The entire records relating to the
above referred to the Commissioner
to dispose along with the first one
This was explained to the Asst Secretary
He has proposed to instruct that the Comm
may be addressed in the matter of returning
the records to the petitioner
Subject with a draft letter for approval.

Issue
10/11 M 10/11

The Commissioner
C C B (Dis
L 9815) 10

NO L 9815
& 10-11-55

Subject Appeal petition dated
20 & 54 from Sri Raja
Laxminarayana Selty Bangalore
c/- through his Counsel Sri
B Basavalingappa, Advocate
against- the acquittal
sanctioned on 30 no
L 6037-40/C 07 6-52-
DJ 1852

Sir

I am directed to state that
the records sent along with a
copy of 30 no L 8563-66/C
4-52-16 DJ 12 & 53 relating
the above subject contain.
documents filed by Sri B
Basavalingappa, Advocate
Bijapur on behalf of Sri Raja
Laxminarayana Selty.
I am to request you kindly
to separate the said documents
& hand over to Sri B
Basavalingappa advocate.
who is also authorised to
A.D.

NO L 9816
Copy to Sri B Basava-
lingappa Advocate
near Bridge
Bijapur Place 2

43

No L 9815
dt 10-11-55

he

Education & L S G Departments

The Commissioner,
Corporation of the City of Bangalore
thro' the Mayor

Subject Appeal petition dated 20-10-1955 from Sri Raja Laxminarayana Setty, Bangalore City through his counsel Sri B Basavalingappa, Advocate against the acquisition sanctioned in Government order No L 6037-40/C' 6-52-20 dated 1-8-52

I am directed to state that the records sent along with a copy of Government Order No L 8563-66/C 4-54-16 dated 12-10-1955 relating to the above subject contain the documents filed by Sri B Basavalingappa Advocate, Bangalore, on behalf of Sri Raja Laxminarayana setty I am to request you kindly to separate these documents and hand them over to Sri B Basavalingappa, Advocate, after obtaining acknowledgment

Yours faithfully,

SD (V Hanumanthappa)
for Secretary to Government,
Education & L S G Departments

knr-3/10/11 Memo No L 9816 dt 10-11-55

Copy of the above is forwarded to Sri B Basavalingappa, Advocate, Usha Buildings, Balepet, Bangalore-2

10/11

(M A Meccai)
for Secretary to Government,
Education & L S G-Departments

CORPORATION OF THE CITY OF BANGALORE

44

L1/P R 9/51/52

No L1,P R 152/54-55 6050 CORPORATION OFFICES

2 1 [illegible] 1955 / BANGALORE

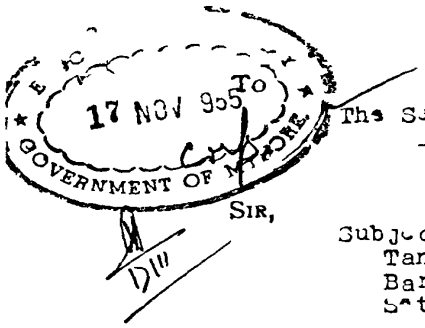
CH S-54 17

Dated 14th May 1955 17th

FROM

D R CHENNARUDRAIYA B A M Sc
COMMISSIONER

CORPORATION OF THE CITY OF BANGALORE,
BANGALORE



To

The Secretary to the Government of Mysore
Education and Local Self Government Departments
BANGALORE

SIR,

Subject - Acquisition of portion of Door Nos' 5/2 & 6 Tankasale Narayana Setty lane Old IInd Division, Bangalore City, belonging to Sri Raja Lakshminarayana Setty for opening a conservancy lane

---

With reference to the above, I write to state that Government in their order No L 8563-66/C 4-54-16 dated 12th October 1955 rejected the appeal petition of Sri Raja Lakshminarayana Setty and vacated the stay order issued in November 1954 and issued instructions to this Office that action should be taken expeditiously to take possession of the acquired land Accordingly a notice was issued and served on the party on 2nd November 1955 requiring him to hand over possession of the land before the 5th November 1955

In response Sri Raja Lakshminarayana Setty, has written to say that he has no intimation from Government regarding the rejection of his appeal petition

I therefore request you kindly to intimate this Office whether any endorsement has been sent to the party since rejecting his appeal in this behalf and if so a copy of the same may kindly be sent for my information and to take further needful action

This matter may kindly be treated as urgent

Yours faithfully,

(V P DEVARAJALU NAIDU)
MAYOR

(D R CHENNARUDRAIYA)
COMMISSIONER

VKP 14/11/55

GOVT OF MYSORE COPY STAMP
THREE ANNAS & HALF

C R No 1822
By Sri N Narayanasetty
Applicant

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Wednesday the 28th day of October 1953

Present

The Hon'ble Justice Sri R Venkata Ramaiya

and

The Hon'ble Justice Sri N Balakrishnaiya

17/9/55

Civil Petition No 93 of 1952-53

Raja Lakshminarayanasetty — Petitioner

(By Sri M P Somasekhara Rao)

Vs

The Special Land Acquisition Officer and Municipal Commissioner Corporation of Bangalore Bangalore — Respondent

(By Sri R Rangiah)

Civil Petition filed under Article 226 of the Constitution of India praying that a Writ of Mandamus or other Writ or Order may be issued restraining and prohibiting the Respondent from acquiring or proceeding with the acquisition of

HIGH COURT C...

C py pplt t the	Applt t ld t pp t py th	C py d l d th the--
Appl t t ld th t p d Add t l h t	Appl t pp d t py th	C p d by
Copy f the l Add t l C py g h t ppl d th	C py dy th	E m d by

COPY STAMP

the land described in the schedule to the petition

This petition coming on for orders this day Venkata Ramaiya J made the following -

O R D E R.

Sri M P Somasekhara Rau on behalf of petitioner says that since the remedy by means of a suit is thought of the petition is not pressed It is dismissed No costs

Sd R Venkata Ramaiya
Judge

Sd. N Balakrishnaiya
Judge

" True Copy "

Deputy Registrar.

COURT

Appl d for on th 9/11/33 - 1
Copy ght
Addl l h tx
t p d
Appl t ld t pp t py
the 9/11/33
Appl t pp d t
th 12/11/33
C py d l d th 12/11/33

47

C R No 980
By Sri Raja Lakshminarayana Setty
Petitioner

In The High Court of Mysore at Bangalore

Civil Petition No. 99/49-50.

Ind T R
2-2-50

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No L 13193/M1 23-46-81 General and Revenue Secretariat
Dated Bangalore the 28th March '47

Endorsement.

granted to Mr Raja Laksnminarayana Setty No 6 Tunkasala Narayana Setty lane II Division Bangalore City

In continuation of this Office letter No L 10386 dated 22nd January 1947 the petitioner is informed that necessary instructions have been issued to the Municipal Commissioner, Bangalore City to drop the acquisition proceedings in respect of a portion of Door No 5/2 and 6 in the Tunkasale Narayana Setty----

Copy ppl d f th	App tt ld t pl [illegible] tl	C py l l rel th
Appl ca t toll th t p d ce C py A d l h th	Appl t pp d [illegible] py tl	C p d by
C py h t Add t l C py h t S ppl d th	C py dy tl	Exam n d by

THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

68

Tunkasale Narayana Setty lane II Division Bangalore City

By Order
Sd G Ramachandra Rao
For Secretary to Government
Revenue Department

File with the concerned records

17/9/55

Memo No L 13194
Encl Records

Dated 28th March 1947

Copy of the above is forwarded with compliments to the Municipal Commissioner Bangalore City for information and necessary action with reference to his letter No Ll C 1047/44-45 dated 19th November 1946

Government consider that there is no need to sanction the acquisition of the properties in question by the Bangalore City Municipal Council as it would not serve any public purpose

The records are herewith returned

"True Copy"

Deputy Registrar

By order,
Sd G Ramachandra Rao
for Secretary to Government
Revenue Department.

Copy applied for on 5/11/50	Applicant told on 19/11/50	Copy delivered on 5/1/51
Applicant informed on 5/1/51 by the	Applicant informed on 5/1/51	Copy delivered by L Sundara Rao
Copy ready on 18/11/50		
Additional Copyright Stamps applied for		

Appendix F G —1]

SUBJECT

5 CP

49

Diary No of letter replied to

Mysore Government Secretariat

( )

the *195*

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Section C 17

File No 4-54

Serial No 18

No L 11081-82 - D 8-12-82

To

Endorsement granted

1) to Sri Raja Lakshmi narayanadevi

Wife Sri B Basavalingappa, BSc, LL

Advocate New Bauldings, Balepet

Bangalore

2) S/S N Gopalkrishna Setty

M Narayana Setty

T Narayanaswamy

Lakkappa

Gurumurti

Wife Tmt Camal Sri K P Muddappa

BSc, LLB, Advocate, 687 Chikpet

Bangalore

3

/

WD 0257—GPB—P Z S —1 20 000—6 6 55

Subject — Appeal petition dated 20-10-54 from Sri Raja Lakshminarayana Setty against the acquisition of Door No 5/2 & 6 and 19/22 in Tankasala Narayana Setty Lane & Verne Road, Cross, Bangalore, Sanctioned in GO No L 6037-40/ on 6-52-20 dated 1-8-1952

The petitioner is hereby informed that his petition appeal petition is not tenable as he has filed an appeal petition before the Commissioner, CED under Section 18 of the LA Act on 21-10-54 requesting that the matter be referred to the Civil Court for adjudication as the amount of compensation awarded is inadequate. His petition to drop acquisition proceedings in respect of the above land proposed is also rejected

(Vide GO) dtd 20

Memo No L 11083 / D & 12-11-54

Asst Secretary to Govt Home Dept

To

Copy to Sri Cauvery CED for information with reference to his/their CO No L 8363-66/CN 4-54-16 dt 12-10-54

GOVERNMENT OF MYSORE

No L 11081-82/CH 4-54 18

Mysore Government Secretariat

Dated Bangalore 8 - 12 - 195

ENDORSEMENT

[illegible] vol. [illegible], [illegible] 1) [illegible] 2) [illegible] 3) [illegible] 4) [illegible] 5) [illegible] their Counsel, [illegible] vol. 687, [illegible]

Sub - [illegible] petition dt. 20-10-54 [illegible] adjacent to [illegible] City Survey [illegible] 1952 [illegible] 1/2 [illegible] City, mentioned in [illegible] 6637-46/A 6-5-50 dt. 1-1-52

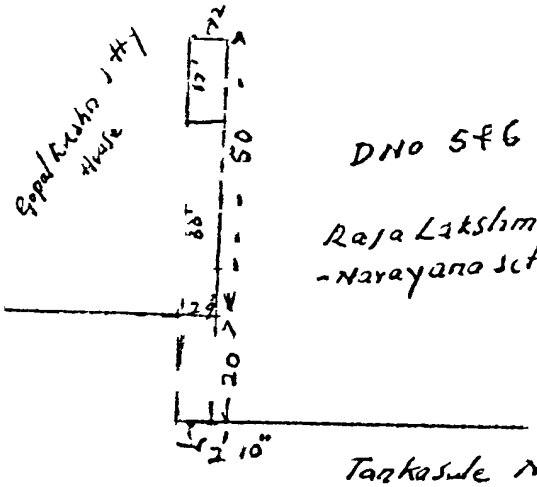
The petitioner is hereby informed that this representation is not tenable as he has failed to [illegible] the petitioner, City Survey Assistant Commissioner, City Survey Assistant Commissioner, [illegible] dt. 21-10-1954 requesting the matter be referred to the Civil Court for adjudication as to whether the compensation offered is inadequate. In addition to stop acquisition proceedings in respect of the said property is also rejected.

sd/-
(V Ramamurthy, B.A.)
for Secretary to Government,
Education (Report) Department

13 1'
Memo No L 11083 D 8-12-55

Copy of the above is forwarded to the Commissioner, Corporation of the City of Bangalore, Bangalore, for information in continuation of G O No - 8563-66/C 4-54-16 dated 12-10-1955

for Secretary to Government,
Education (Report) Department



Denotes area already notified for acquisition

area $17' \times 2'$
$2' \times 46'$ } 125 sft-

Denotes area claimed by Sri Raja Lakshmi, Narayana Setty, in addition to the Land already notified

area $20 \times 2\frac{1}{3} = 56\frac{2}{3}$ sft

Asst Engineer Asst Engineer

6856

URGENT

APPLICATION FOR COPIES

From,

Regd Ack due

Raja Lakshminarayana Setty
No 6 Tankasale Narayana Setty Lar
Avenue road Cross
Bangalore-2

Bangalore Dated 13th December 1955

To,

The Secretary,
Local Self Government Department
Old Public Offices
Mysore Government Secretariat,
Bangalore

Dear Sir,

Ref - Appeal petition dated 20-10-1954 from Sri Raja Lakshminarayana Setty, son of Raja Venkatasubbaiah Setty against the acquisition of portion of Door No 5/2 and 6 in Tankasale Narayana Setty Lane, Avenue road Cross Bangalore-2 Appeal Petition addressed to the Honourable Minister L S G Govt of Mysore Bangalore

I learn that my above Appeal petition has been rejected Therefore I request you to kindly issue me the copy or copies of the following -

1 Copy of the order in the above appeal petition

2 Copy or Copies or the petition or petitions or letters filed by the following persons -

1 Sri N. Gopalakrishna Setty
2 " N Narayana Setty
3 " T Narayanaswamy
4 " Lakkappa
5 " Gurumoorthy

and by any other person or persons interested in the acquisition proceedings of the above

As the copies of the above are urgently required I request you to kindly issue the same without any delay Necessary Copying fee etc , will be paid immediately on hearing from you Please inform me per return of post

Thanking you,

Received Rupees Two only (Rs 2-0-0) vide Receipt No 7229 dt 16-12-55.

Yours Faithfully,

13-12-55

Please receive
annas four (0-4-0)
and acknowledge the
2 receipt

Supdt
~~Pshkr~~
Adm Branch

Rec'd Imperial annas four only
Re 0-4-0 towards the balance
of Copying fee vide

Receipt No 73285/56

7/1/56

Superintendent
Admi i strati Bra
Mysore Govt. Secreta iat. Bangalore-1

1 Rec'd copy of the order dtd 28-6-3-66/CM 4-5
dtd 12-10-1955 dated 1

2 Copy of the petition dtd 20/12/54 filed by the applicant
(writ) Sri T N Lakshmana Setty, N Narayana Setty, Narayan
Shetty & Lakkappa & Parameshetty

dtd 7-1-56

inl Form I—M C A C Vol I] Office of the

Station

B No. 7328 Date 7-1-56

ACKNOWLEDGMENT FOR RECEIPT OF MONEY

Received from Mrs. Rajalakshmi narayana Setty

ie sum of Rupees one Annas four only

account of balance of Copying fee

Rs 0-4-0

ashier

Superintendent
Head Quarters Office